

October 7, 2008

Philip Guidice, Commissioner
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

RE: Reply Comments on Section 105 of the Green Communities Act

Dear Commissioner Guidice,

Brookfield Renewable Power appreciates the opportunity to reply to comments submitted by parties regarding section 105 of the Green Communities Act.

The majority of these comments share our opinion that subsections (c) and (e) of section 105 are not only infeasible but could also be harmful to the residents of the Commonwealth. Some have countered that the simple definition of “feasible” necessitates the Department accepting these subsections. We would argue, however, that “feasible” in this case means that implementation is technically possible while not overly burdening residents of the Commonwealth with high costs (REC and voluntary payments), and reasonably allows the Commonwealth to meet its RPS goals. Implementation of subsections (c) and (e) would not meet this definition.

Additionally, the term “green-washing” was used by a few respondents and described as “extremely harmful and costly”. “Green-washing” has not been established as an endemic behavior by market participants in the New England market or any other market in the United States. However, even if such behavior is of paramount concern, the obligation for discovering and sanctioning such behavior rests with the FERC and the United States Department of Justice. The Department of Energy Resources has neither the authority nor capacity to police and rectify such improbable behavior.

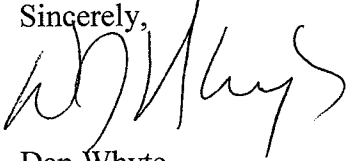
Finally, the cost of implementing these subsections will be far in excess of any potential benefits due to significant changes required in both the ISO New England and the NEPOOL GIS system to accommodate the verification and the compliance of RECs with these requirements. The extra cost of these changes, if determined to even be feasible, add additional burden to residents of the Commonwealth.

We appreciate the Legislature’s goals in writing these sections, namely that the achievement of RPS requirements should also bring about economic development directly to the Commonwealth. Brookfield is well positioned to accomplish both of these objectives with significant amounts of installed, certifiable renewable energy available to the Commonwealth. We also have invested millions of dollars locating to the area and have established our United States Headquarters in Marlborough, adding nearly one

hundred permanent green jobs to the State's economy. If implemented, the referenced subsections would punitively and disproportionately effect our ability to compete in New England.

Thank you for the opportunity to provide these additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Whyte', written over the word 'Sincerely,'.

Dan Whyte
Vice President Government and Stakeholder Relations